

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BERIAM ORTIZ,

Plaintiff,

-against-

ERIN KATHLEEN BARLOW, TOYOTA
MOTOR CREDIT CORP., and CAROL
SHERMAN,

Defendants.
-----X

NOTICE OF MOTION

07-CV-10365

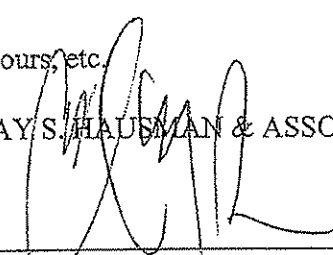
PLEASE TAKE NOTICE that upon the annexed affirmation of ELIZABETH M. PENDZICK, dated the 18th day of April, 2008, the affidavit of plaintiff BERIAM ORTIZ, sworn to the 18th day of April, 2008, and all the exhibits annexed thereto, the undersigned will move this Court located at 500 Pearl Street, New York, New York on the ____st day of _____, 2008, at 9:30 A.M. or as soon thereafter as counsel can be heard, for an order, pursuant to FRCP 56:

1. GRANTING SUMMARY JUDGMENT IN FAVOR OF THE PLAINTIFF, AND AGAINST DEFENDANT ERIN KATHLEEN BARLOW, ON THE ISSUE OF LIABILITY, and
2. FOR SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.

Yours, etc.

JAY S. HAUSMAN & ASSOCIATES, P.C.

By:


ELIZABETH M. PENDZICK

Attorneys for Plaintiff
280 North Central Avenue, Suite 40
Hartsdale, New York 10530
(914)946-3344

TO:

EUSTACE & MARQUEZ
1311 Mamaroneck Avenue, 3rd Floor
White Plains, New York, 10605

ANTHONY D. PERRI, ESQ.
17 State Street, 25th Floor
New York, New York 10004,

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AFFIRMATION IN SUPPORT

07-CV-10365

ELIZABETH M. PENDZICK, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, does hereby affirm, under penalty of perjury:

1. I am a member of JAY S. HAUSMAN & ASSOCIATES, P.C., counsel for the plaintiff, Beriam Ortiz.

2. I make this Affirmation in support of the within motion for partial summary judgment, determining issues of liability in favor of the plaintiff, and against defendant ERIN KATHLEEN BARLOW.

3. In support of the within application, I submit the following documentation:

Exhibit A: The Summons and Complaint

Exhibit B: The Answers of the Defendants

Exhibit C: The Notice of Removal

Exhibit D: The Stipulation of Discontinuance Against Defendant Toyota


Exhibit E: The Affidavit of Plaintiff, Beriam Ortiz

Exhibit F: The Police Report

4. For the reasons set forth in the annexed Memorandum of Law, partial summary judgment is appropriate.

WHEREFORE, plaintiff's motion should be granted by this Honorable Court.

Dated: Hartsdale, New York
April 18, 2008



ELIZABETH M. PENDZICK